

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
JONATHAN SCHAEFFER, individually	:
and on behalf of all others	:
similarly situated,	:
	:
Plaintiff,	:
	:
- against -	:
	:
NABRIVA THERAPEUTICS PLC, et al.,	:
	:
Defendants.	:
-----X	

19 Civ. 4183 (VM)

**ORDER**


**VICTOR MARRERO, United States District Judge.**

By letter dated June 8, 2020, plaintiff in the above-captioned action ("Schaeffer") responded to the Court's April 28, 2020 Order to Show Cause. (See Dkt. No. 43.) The Court is persuaded that Schaeffer has satisfied the Order to Show Cause, and that the proposed Second Amended Complaint adequately alleges scienter under the standards set forth in the Court's April 28, 2020 Order. Accordingly, Schaeffer is hereby directed to file the Second Amended Complaint within three days of the entry of this Order. The Court is not presently persuaded by the defendants' further arguments in favor of dismissal of the action (see Dkt. No. 48), and would deny any motion to that effect without prejudice at this time. If further proceedings do not resolve defendants' doubts as to the existence or authenticity of the January 23, 2019 Establishment

Inspection Report, defendants may then raise further challenges as appropriate.

**SO ORDERED.**

Dated: New York, New York  
23 June 2020

  
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Victor Marrero  
U.S.D.J.